

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION

SHAWN LOUIS SUTTER

VS.

FEDERAL BUREAU OF PRISONS, ET AL.

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CIVIL ACTION NO. 5:22cv24-RWS-JBB

**ORDER**

Petitioner Shawn Louis Sutter, an inmate confined at the Federal Correctional Institution in Texarkana, Texas, proceeding *pro se*, brought this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. Docket No. 1. The Court referred this matter to the Honorable J. Boone Baxter, United States Magistrate Judge, at Texarkana, Texas, for consideration pursuant to applicable laws and orders of this Court. On January 17, 2025, the Magistrate Judge entered a Report and Recommendation, recommending the above-styled petition be dismissed without prejudice. Docket No. 29. A copy of the Report and Recommendation was sent to Petitioner at his last known address, return receipt requested, but no objections have been received. The Fifth Circuit has explained that where a letter is properly placed in the United States mail, a presumption exists that the letter reached its destination in the usual time and was actually received by the person to whom it was addressed. *Faciane v. Sun Life Assurance Company of Canada*, 931 F.3d 412, 420–21 and n.9 (5th Cir. 2019). No objections to the Report and Recommendation have been filed to date.

Because no objections have been received, Petitioner is barred from *de novo* review by the District Judge of the Magistrate Judge’s proposed findings, conclusions and recommendations and,

except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. *See Duarte v. City of Lewisville, Texas*, 858 F.3d 348, 352 (5th Cir. 2017); *Arriaga v. Laxminarayan*, Case No. 4:21-CV-00203-RAS, 2021 WL 3287683, at \*1 (E.D. Tex. July 31, 2021).

The Court has reviewed the pleadings in this case and the Report of the Magistrate Judge. Upon such review, the Court has determined the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law"). Accordingly, it is

**ORDERED** that the Report of the Magistrate Judge (Docket No. 29) is **ADOPTED** as the opinion of the District Court. It is further

**ORDERED** the above-captioned petition for writ of habeas corpus is **DISMISSED WITHOUT PREJUDICE**.

**So ORDERED and SIGNED this 12th day of February, 2025.**

  
ROBERT W. SCHROEDER III  
UNITED STATES DISTRICT JUDGE